

REMARKS

Applicant respectfully requests reconsideration of the subject application as amended. In response to the Office Action mailed 10/18/05, Applicant is filing this amendment. Claims 19-36 are still pending.

The Examiner has rejected claims 19-27 under 35 U.S.C. §102(e) as being anticipated by Cho (U.S. Patent 6,240,532) and rejected claims 28-36 under 35 U.S.C. §103(a) as being unpatentable over Cho in view of Vanka et al. (U.S. Patent 5,479,636; "Vanka"). Applicant submits that the claims have been amended to distinguish over these references.

Applicant submits that Cho discloses the combining of forced hit X and forced hit Y bits stored in a register with the normal hit X and normal hit Y signals. By setting the forced hit bits in the register, the testing program can allow the CPU to have access to write and read into the cache (col. 4, lines 43-51 of Cho).

Applicant has amended the independent claims 19, 28, 31 and 33 to recite the decoding of a transaction address as within a direct access address space to differentiate a direct access transaction from a memory transaction and the asserting of a direct access signal in response to the decoding of the direct access transaction to perform a direct access transaction. Thus, this aspect of the amended claims is distinguishable from Cho, since Cho does not teach the decoding of a transaction address as within a direct access address space to differentiate and perform the direct access transaction. Furthermore, Vanka fails to disclose this aspect of the amended claims as well.

Accordingly, Applicant submits that the cited references fail to disclose the aspects of the embodiments of the invention as now recited in the amended independent claims. Accordingly, Applicant requests the Examiner to withdraw the 35 U.S.C. §102(e) and 35 U.S.C. §103(a) rejections and allow pending claims 19-36.

In response to the Examiner's comment regarding the information disclosure statement (IDS) submitted on July 26, 2004, Applicant had noted in that IDS submission that all references noted in the IDS were submitted on Form-PTO 1449 by the Applicant or cited by the Examiner in the parent case noted above. Applicant noted that copies of

the references may be found in the parent case. MPEP 609.02 states that the examiner will consider information which has been considered by the Office in a parent application when examining (A) a continuation application ... (B) a divisional application ... or (C) continuation-in-part application ... Since the references noted in the July 26, 2004, IDS submission have been considered by the PTO in the parent case of this continuation case, the Examiner is on notice to have considered the same art for this continuation case. Accordingly, Applicant requests the Examiner to withdraw the statement that the Examiner has not considered the art noted in the July 26, 2004, IDS submission. Furthermore, Applicant requests the Examiner to enter the art so that those references are printed on the patent, if and when the patent issues.

Furthermore, in order to respond to the outstanding office action, Applicant is also submitting a petition for one-month extension of time under a separate cover.

If there are any fee shortages related to this response, please charge such fee shortages to Deposit Account No. 50-2126.

Respectfully submitted,

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